

EXHIBIT B

From: [Harkins, Steven M. \(Assoc-ATL-LT\)](#)
To: [Conlee Whiteley](#); [Lockard, Victoria D. \(Shld-Atl-LT\)](#)
Cc: [David J. Stanoch](#)
Subject: RE: Teva Witness Deposition Scheduling - tentative proposed dates
Date: Tuesday, February 16, 2021 9:12:13 PM
Attachments: [image001.png](#)
[2021.02.15 - Valsartan - BHR Transmittal Ltr to Pltfs.pdf](#)

Conlee and David,

Please see below for our proposed deposition schedule for Teva's witnesses. The defense group intends to briefly ask Judge Vanaskie on tomorrow's call how he would like the parties to submit their agreed scheduled (e.g., in a single submission, as joint proposal, etc.).

Several of the proposed dates for international witnesses include caveats - for purposes of the Chinese and German witnesses we want to maintain flexibility in the event travel out of the country is an issue. For the dates several months out we have identified weeks rather than specific days at this point. Again we reiterate that the fact witnesses are subject to further meet and confer after their respective 30(b)6 to decide whether they are truly necessary.

We reserve the right to further refine the assigned topic designations after we meet and confer, as both sides have recognized there is some overlap on certain 30(b)(6) topics.

- Elisabeth Gray, 30(b)(6) and fact witness - February 26, 2021
- Dan Barretto, 30(b)(6) and fact witness – March 10 and 11, 2021
- Stefan Karlsson, fact witness - March 18, 2021
- Narendra Vadsola, fact witness - March 24, 2021
- Kevin Galownia or other pricing witness –March 31st, April 1st, or April 2nd, 2021
- Raphael Nudelman, 30(b)(6) and fact witness – April 8, 2021
- Jens Nassall, 30(b)(6) and fact witness - April 16, 2021, conditional on Mr. Nassall's ability to travel outside of Germany due to COVID
- Tony Binsol, 30(b)(6) and fact witness – Will confirm tomorrow
- Claire Lyons, fact witness – week of April 26, 2021
- Michelle Osmian, 30(b)(6) and fact witness – May 5th or 6th, 2021
- Pan Lin, fact witness – week of May 10, 2021 – Chinese National conditioned upon travel ability
- Walton Wang, fact witness – week of May 17, 2021 – Chinese National conditioned upon travel ability

Please let us know if you have time tomorrow after the call with Judge Vanaskie for a meet and confer to finalize the deposition schedule, begin discussing specific depositions (particularly Liz Gray and sales & pricing), and discuss the following additional items:

1. Teva's Privilege Log – the only request we are aware of with respect to Teva's privilege log is that we provide a cast of characters/legend. Though not required under the ESI Protocol, Teva will agree to provide a legend that includes the name, email address, title and department for all members of its legal department (or the

legal departments of Teva affiliates) who appear on its privilege logs. We will also identify by name and domain name all outside counsel law firms referred to in Teva's privilege logs. We should be able to get this information to you within a week.

2. Withheld Other Product Documents – In addition to the additional documents produced last week, we agree to produce unredacted versions of the two documents identified in your email from yesterday, and subject to our vendor's turnaround time should be able to provide these documents by tomorrow (Wednesday).
3. Teva made a rolling production yesterday of material required to be produced under the TAR protocol. Please note that all but a fraction of these documents are lesser inclusive emails which had previously been produced, and are only now being produced again due to the unavailability of email threading under the TAR Validation Protocol. The handful of documents which may still be produced are described in our transmittal letter, attached here for your reference.

Best,

Steven M. Harkins

Associate

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VIA E-MAIL ONLY TO valpec@kirtlandpackard.com

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**Re: *In re: Valsartan, Losartan, and Irbesartan Products Liability Litigation.*,
U.S. District Court for the District of New Jersey; Case No. 1:19-md-02875-
RBK-JS**

Dear Counsel:

This correspondence confirms Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Actavis LLC, Actavis Pharma, Inc., and Arrow Pharm (Malta) Ltd.¹ (collectively, “the Teva Defendants”) are today making a rolling production of documents required to be produced pursuant to the Court’s December 23, 2019 Order (DN 328), as modified by the Court’s April 20, 2020 Text Order (DN 416), the Stipulation and Order Regarding ESI Search Terms as to the Teva Defendants (DN 493), and the Court Ordered Consent Protocol Regarding Validation of Technology-Assisted Review (“TAR”) (DN 695).

Specifically, this production is composed of the following documents:

¹ Undersigned counsel notes that Arrow Pharm (Malta) Ltd. has not been served, and no longer exists as a separate legal entity. This production does not represent Arrow Pharm (Malta) Ltd. or any successor in interest’s consent to jurisdiction in this or any underlying matter, and Arrow Pharm (Malta) Ltd. and its successor in interest specifically reserve the right to raise any and all defenses, jurisdictional or otherwise.

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Vol No.	Production Bates Range	Description	Source
028	TEVA-MDL2875-00550464 – TEVA-MDL2875-00557846	Custodial email files	Barreto, Dan
028	TEVA-MDL2875-00557847 – TEVA-MDL2875-00563744	Custodial email files	Binsol, Tony
028	TEVA-MDL2875-00563745 – TEVA-MDL2875-00568247	Custodial email files	Bonilla, David
028	TEVA-MDL2875-00568248 – TEVA-MDL2875-00569363	Custodial email files	Chandrasekar, Rajesh
028	TEVA-MDL2875-00569364 – TEVA-MDL2875-00572328	Custodial email files	Clark, Napoleon
028	TEVA-MDL2875-00572329 – TEVA-MDL2875-00578271	Custodial email files	De Notaristefani, Carlo
028	TEVA-MDL2875-00578272 – TEVA-MDL2875-00589433	Custodial email files	De Vito, Joseph
028	TEVA-MDL2875-00589434 – TEVA-MDL2875-00593939	Custodial email files	Delgaudio, Joyce
028	TEVA-MDL2875-00593940 – TEVA-MDL2875-00598726	Custodial email files	Delicato, Tony
028	TEVA-MDL2875-00598727 – TEVA-MDL2875-00604576	Custodial email files	Falkin, Marc
028	TEVA-MDL2875-00604577 – TEVA-MDL2875-00617570	Custodial email files	Fluch, Joerg
028	TEVA-MDL2875-00617571 – TEVA-MDL2875-00629400	Custodial email files	Gatt, Elton

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028	TEVA-MDL2875-00629401 – TEVA-MDL2875-00637752	Custodial email files	Hatt, David
028	TEVA-MDL2875-00637753 – TEVA-MDL2875-00640745	Custodial email files	Hess, Brian
028	TEVA-MDL2875-00640746 – TEVA-MDL2875-00641296	Custodial email files	Karlsson, Stefan
028	TEVA-MDL2875-00641297 – TEVA-MDL2875-00644528	Custodial email files	Koleto, Christina
028	TEVA-MDL2875-00644529 – TEVA-MDL2875-00648716	Custodial email files	Korcia, Avi
028	TEVA-MDL2875-00648717 – TEVA-MDL2875-00657065	Custodial email files	Lyons, Claire
028	TEVA-MDL2875-00657066 – TEVA-MDL2875-00657729	Custodial email files	McBryan, Danny
028	TEVA-MDL2875-00657730 – TEVA-MDL2875-00667188	Custodial email files	Nassall, Jens
028	TEVA-MDL2875-00667189 – TEVA-MDL2875-00670721	Custodial email files	Pastore, Jill
028	TEVA-MDL2875-00670722 – TEVA-MDL2875-00677397	Custodial email files	Pavlov, Kiril
028	TEVA-MDL2875-00677398 – TEVA-MDL2875-00678183	Custodial email files	Redmond, Michael
028	TEVA-MDL2875-00678184 – TEVA-MDL2875-00696634	Custodial email files	Sawyer, Corey

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028	TEVA-MDL2875-00696635 – TEVA-MDL2875-00702989	Custodial email files	Schwartz, Orit
028	TEVA-MDL2875-00702990 – TEVA-MDL2875-00715913	Custodial email files	Segura, Jose Luis
028	TEVA-MDL2875-00715914 – TEVA-MDL2875-00717261	Custodial email files	Singh, Usha
028	TEVA-MDL2875-00717262 – TEVA-MDL2875-00722718	Custodial email files	Sualhi, Rana
028	TEVA-MDL2875-00722719 – TEVA-MDL2875-00728048	Custodial email files	Tomsky, Scott
028	TEVA-MDL2875-00728049 – TEVA-MDL2875-00734172	Custodial email files	Truemper, Constance
028	TEVA-MDL2875-00734173 – TEVA-MDL2875-00740127	Custodial email files	Vadsola, Narendra
028	TEVA-MDL2875-00740128 – TEVA-MDL2875-00748366	Custodial email files	Wang, Lijie

Pursuant to the Court's August 27, 2020 Order (DN 564), the Teva Defendants indicate that no documents are being withheld from this production on the basis of privilege or work product. However, the Teva Defendants are presently in the process of completing a review of all documents that hit on a privilege screen. Pursuant to the Court's August 27, 2020 Order, the Teva Defendants have 30-days to complete this privilege review and logging process. (Dkt. 564). However, the Teva Defendants are working to finish this process as soon as possible and expect that any documents hitting on the screen that are responsive and not-privileged will be produced next week.

Further, please be advised that in the process of deposition preparation, the Teva Defendants were made aware of an additional data source (a shared drive) containing potentially responsive materials. The Teva Defendants promptly collected this drive, have processed it through TAR, and are reviewing potentially responsive documents in accordance with the TAR

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Protocol. To the extent there are any responsive and non-privileged materials on this drive, they will also be produced next week.

In accordance with the Court Ordered Consent Protocol Regarding Validation of Technology-Assisted Review ("TAR") (Dkt 695), Teva provides the following metrics:

With each rolling production, Plaintiffs shall be provided:

(1) the number of documents, and percentage of documents, for categories

(i), documents receiving a high classification score by CMML that are coded non-responsive by a human reviewer

RESPONSE: 2,744 documents out of the total document population received a high classification score from the CMML system and were coded non-responsive by a human reviewer. Of these 2,744 documents, 2,512 are lesser inclusive documents in previously produced threads, which were not previously eligible for review due to email threading.

(ii), documents receiving a low classification score by CMML that are coded responsive by a human reviewer

RESPONSE: 12,727 documents out of the total document population received a low classification score from the CMML system and were coded responsive by a human reviewer. Of these 12,665 documents, 10,775 are lesser inclusive documents in previously produced threads, which are only being included in the production at this time due to the unavailability of email threading under the Validation Protocol.

and (iii); documents that are or appear to be inconsistently coded by human reviewers

RESPONSE: Of the documents reviewed in connection with this production, 1,352 documents which were tagged Responsive by first-level reviewers had coding changed to Non-Responsive during second level QC review; 288 documents which were tagged Not Responsive by first-level reviewers had coding changed to Responsive during second level QC review.

(2) the number of documents where a reviewer coded a document as responsive but the document was not produced (except for documents withheld based on assertion of privilege);

RESPONSE: 15,403 documents (families included) have not yet been produced because at least one family member document is currently in the privilege

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and/or redaction workflows and may be produced at a later date in connection with Teva's privilege log.

(3) the percentage of reviewed documents found to be non-responsive; and

RESPONSE: Ninety (90%) of the population was found to be non-responsive or unreadable. Of the 10% (52,462) of documents (families included) tagged as responsive, 45,521 are lesser inclusive documents in previously produced threads, which are only being included in the production at this time due to the unavailability of email threading under the Validation Protocol.

(4) the percentage of the entire document set, and number of documents, that has/have not been reviewed.

RESPONSE: There are 530,286 documents in the entire set identified for review since Teva's November 30, 2020 Production. To date, 530,286 (100%) of these documents have been reviewed.

This production is being delivered to Plaintiffs' counsel identified above via a File Transfer Protocol ("FTP") link sent via email. The password for accessing the FTP documents will be included in a separate email.

Please note that, absent the potentially privileged documents and the newly discovered data source referenced above, the Teva Defendants understand that this production completes the review and productions pursuant to the TAR Validation Protocol. Thus, pursuant to Section VII(A) of the protocol which requires: "At least ten business days prior to Plaintiffs having to select documents and searches for the Audit Categories, the Teva Defendants shall provide Plaintiffs with a hit count report run across the unreviewed set with the currently agreed to search terms," Teva encloses the hit count report herein. Pursuant to Section VII(B) of the Validation Protocol, we expect that Plaintiffs will provide the Teva Defendants with Plaintiffs' request for Audit Samples no later than February 25, 2021.

The documents are produced subject to the Court's June 26, 2019, Confidentiality and Protective Order (DN 139), and are subject to all of the rights and limitations imposed by the terms of that Order. The documents designated "CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL" are not to be disclosed in any fashion, nor be used for any purpose other than the analysis and preparation for trial of this action, and shall not otherwise be disclosed or made available.

In addition, please note the documents are being produced pursuant to federal discovery rules. Production of the documents is not, and should not be considered, in any manner whatsoever,

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a waiver of the Teva Defendant's rights, privileges or defenses, including their rights under federal law to object to the relevance or admissibility of the documents or information contained therein as evidence at any future hearing or trial of this matter. Further, the production of the documents is not, and should not be considered in any manner whatsoever, a waiver of any privilege available to Teva under federal or applicable state law, and the Teva Defendants hereby expressly reserve and preserve each and every privilege available under applicable law.

Please feel free to contact me if you have any questions or concerns.

Respectfully,

/s/ Brian H. Rubenstein

Brian H. Rubenstein, Esq.
Attorney for Teva Pharmaceuticals USA,
Inc., Teva Pharmaceutical Industries Ltd.,
Actavis LLC, and Actavis Pharma, Inc.

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